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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,961	03/12/2004	Thomas Birkhoelzer	32860-000707/US	7715
36593 7590 07/25/2008 HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195				
EXAMINER				
NALVEN, ANDREW L				
ART UNIT		PAPER NUMBER		
2134				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/798,961

Applicant(s)

BIRKHOELZER ET AL.

Examiner

ANDREW L. NALVEN

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-12 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-12 are pending.

Information Disclosure Statement

2. Applicant indicated that an updated IDS including dates for NPL references was included along with the response to office action. Examiner was unable to locate the updated IDS. Examiner respectfully requests the IDS be resubmitted.

Response to Arguments

3. Applicant's arguments with respect to claims 1-12 have been considered but are not persuasive.
4. Applicant argues on page 9 that the combination of Kahn and Ho fail to teach a system "configured to change between users on a common authentication level by changing the documentation user object...wherein the documentation user objects identify the users at the level of the application program." Examiner respectfully disagrees. Kahn teaches a system configured to change between users on a common authentication level by changing the documentation user object...wherein the documentation user objects identify the users at the level of the application program (Kahn, Figure 2, column 17 lines 1-10). Contrary to Applicant's assertions, Kahn does

not teach the login procedure at the operating system level. Applicant has not cited any portion of Kahn that suggests that the operating system provides the login procedure. Instead, Kahn discloses the use of applications to process requests which include authorization modules (Kahn, column 16 line 62 - column 17 line 10, software applications). These authorization modules are not operating system based, but are instead provided by software modules or software applications (Kahn, column 10 lines 18-28). Thus, Kahn discloses documentation user objects identifying users at the level of the application program and teaches changing between users on a common authentication level by changing the documentation user objects (Kahn, Figure 2, column 17 lines 1-10, column 10 lines 18-18).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1-2, 4-8, and 10-12 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Kahn US Patent No. 7,185,192 in view of Ho US Patent No. 6,148,342.
2. **With regards to claims 1, 5, 7, 11**, Kahn teaches an electronic data processing facility adapted to run an operating system for configuring the data processing facility

and an application program for editing data comprising (Kahn, column 12 line 48 – column 13 line 15) a data store for storing the data (Kahn, Figure 1 Item 350-3, column 19 lines 49-55, managed resource database), and a user object memory for storing user objects for authenticating and documenting access to the data (Kahn, column 18 lines 15-35, users accounts and user/groups/role identities, Figure 1 Items 350-1 and 350-2), and for storing an authentication user object which is assignable a data access right at the level of the operating system (Kahn, column 18 lines 35-45, identity of a role is determined) and which is assignable to a plurality of documentation user objects for authenticating the data access right to the documentation user objects (Kahn, column 19 lines 49-63, identity and role is combined with access type and resource identifier to make an access request which is authenticated), the electronic data processing facility is configured to change between users on a common authentication level by changing the documentation user object, the users on the common authentication level having a common authentication user object (Kahn, column 17 lines 29-55, common authentication level of a group/role used to authorize, not individual users), and the documentation user objects identifying users at the level of the application program (Kahn, Figure 2, column 17 lines 1-10). Kahn discloses a log and audit database but fails to disclose the specific functionality of a documentation memory for storing documentation data for documenting access to the data and the user object memory being further for storing documentation user objects storable in the documentation memory at the level of the application program for the purpose of documenting access to the data. However, Ho teaches a documentation memory for storing documentation

data for documenting access to the data and the user object memory being further for storing documentation user objects storable in the documentation memory at the level of the application program for the purpose of documenting access to the data (Ho, column 5 lines 21-43, log), and the documentation user objects being separate from the authentication user objects (Ho, column 5 lines 21-43). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Ho's method of logging because it offers the advantage of improving security by allowing an auditor to determine if there are data access irregularities which would suggest an intruder attempted to or succeeded in accessing data (Ho, column 5 lines 21-43, log).

3. **With regards to claims 2, 8,** Kahn as modified teaches a security check is performed (Kahn, column 18 lines 20-25, login process and authentication) to identify a user prior to accessing the data (Kahn, column 18 lines 20-30, validates information from user, column 18 lines 36-40, identity is determined before request) and wherein a documentation user object and an authentication user object are assignable to a user on the basis of a result of the security check (Kahn, column 18 lines 25-35, user identifier and role are assigned).

4. **With regards to claims 4, 10,** Kahn as modified teaches the user object memory is connected to the data processing facility via a connection suitable for data communication (Kahn, Figure 1, column 12 lines 50-55).

5. **With regards to claims 6 and 12,** Kahn as modified teaches a storage medium on which information is stored adapted to interact with an electronic data processing

facility in order to carry out the method of claim 5 (Kahn, Figure 1, column 19 lines 33-55, resource server, managed resources database).

6. **Claims 3 and 9 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Kahn US Patent No. 7,185,192 and Ho US Patent No. 6,148,342, as applied to claims 1 and 5 above, and in further view of Wood et al US Patent No. 6,892,307.

7. **With regards to claim 3 and 9**, Kahn as modified fails to specifically teach at least one of a device for checking biometric data, a device for checking at least one of a mechanical and electronic key and a device for checking a chip card to perform the security check. However, Wood teaches at least one of a device for checking biometric data, a device for checking at least one of a mechanical and electronic key and a device for checking a chip card to perform the security check (Wood, column 4 lines 38-50, evidence including retina, fingerprint, voiceprint, smart card, and keys). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Wood's method of authentication because it provides the advantage of multiple forms of authentication evidence thus allowing for multiple levels of trust to be established for a user based upon which authentication mechanisms are used (Wood, column 2 lines 29-44).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW L. NALVEN whose telephone number is (571)272-3839. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571 272 3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew L Nalven/
Primary Examiner, Art Unit 2134